

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

CASE No. 21-MJ-600

—vs—

AFFIRMATION

SHANE ANTHONY SCACCIA,

Defendant.

STATE OF NEW YORK)
MONROE COUNTY) SS.:

MATTHEW R. LEMBKE, and attorney, duly licensed to practice in New York State and admitted to practice in the United States District Court for the Western District of New York, hereby affirm, declares, and swears, under penalty of perjury:

1. I represent the defendant, Shane A. Scaccia. I make this affirmation in support of Scaccia's motion for an order adjourning his appearance for status update, currently scheduled for January 17, 2023, at 10:30 A.M., for about forty-five days and granting other relief as to the Court may seem just and proper.

2. The parties are still prepared to request a change of plea proceeding before the district judge.

3. The government provided a plea agreement and a revised plea agreement (which included a provision of “Abandonment” of items of property), both of which I have sent to Mr. Scaccia, and we have discussed.

4. We have an agreement in principle, but there are some specifics about the agreement Mr. Scaccia wants to discuss with me in person.

5. I intended on visiting Mr. Scaccia in Livingston County last week, but I got COVID-19 and am still testing positive as of yesterday.

6. We are hopeful that forty-five days will be sufficient time to accomplish a change of plea before the district court.

7. We request that the Court grant an exclusion of time from the speedy indictment clock, or the speedy trial clock, or both, on the grounds that the end of justice will be served by the granting of an adjournment, and that this outweighs the defendant’s and the public’s right to a speedy trial under 18 U.S.C. § 3161 (f).

8. The government has no objection to this request.

WHEREFORE, it is respectfully requested that the Court grant an order adjourning Mr. Scaccia’s appearance for about forty-five days

and granting such other relief as to the Court may seem just, right,
and equitable.

Dated: January 17, 2023

s/Matthew R. Lembke

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